

DISTRICT COURT (FIFTH DISTRICT : WASHINGTON COUNTY) [1682]

PROBATE CASE FILES, 1875-1955.

52 microfilm reels

DESCRIPTION: Probate case files from the Fifth District Court in Washington County primarily involve the probate of estates for deceased persons and guardianship for minors and incompetent persons. Probate is judicial oversight of property in transition. Probate of estates is the process by which a deceased person's property is identified and maintained, his debts and taxes paid, and then remaining property distributed to beneficiaries as specified in a will or as required by law for persons who die intestate (without a will). In guardianship cases probate is the establishment of a guardian for minors or incompetent adults who hold property that needs management. In addition to probate these case files also include name changes and some adoptions.

Utah's Territorial Assembly established original jurisdiction over the probate of estates and the guardianship of incompetent persons with county probate courts in 1852 (An Act in Relation to the Judiciary. Acts, Resolutions, and Memorials passed by the First Annual, and Special Sessions of the Legislative Assembly. Great Salt Lake City, 1852, Brigham H. Young, Printer. pp. 38-48). That jurisdiction transferred to the probate divisions of District Courts when County Probate Courts were abolished at statehood.

The probate process includes three parts. First, a petitioner must file with the court the documents necessary to have the court appoint a representative. Documents relating to this process include wills, petitions, letters of administration, bonds, etc., and a court order appointing an administrator, executor, or guardian. Second, the appointed representative does all that is necessary to manage the property through the period of transition. Documents filed here might include a court order appointing appraisers, notices to creditors, estate inventories, various kinds of financial statements, receipts, bills, and the court-appointed representative's final report. Finally, when all requirements have been met, such as all bills paid or a minor has become of age, the court mandates a final settlement and releases the representative from

any further responsibility.

The Territorial Legislature made provision for formal adoptions in 1884 and assigned jurisdiction to County Probate Courts (Compiled Laws of Utah, vol. II, 1888, part 5, chapter 4). Adoption case files include a formal petition, documents supporting the petition and the court's final decree. In this series adoption case files begin in 1893. Whereas early adoptions were open to the public and sometimes published in the newspaper, adoptions later became private. Most adoption records in this series are closed to public access (see access restrictions note). In addition to probate and adoption, case files this series also include official name changes.

ARRANGEMENT: Prior to 1907 the court arranged probate files alphabetically by surname. The earliest probate files from the court have been preserved in that format during processing. Subsequently, after 1907 arrangement is chronological by assigned case number.

RESEARCH NOTE: It appears that many of the earliest case files in the series contain records that originated in either the territorial second district court or the Washington County probate court. Several of the earliest case files from this series originate prior to 1896 and presumably made their way into this series when final action was eventually taken by the Fifth District Court.

RELATED RECORDS: Series 18217 , PROBATE REGISTERS OF ACTION, record the date any action was taken on a case and briefly state what that action was. Series 18215 , PROBATE RECORD BOOKS, more fully document court proceedings as they relate to individual cases.

CUSTODY HISTORY: All case files created between 1896 and 1955 were transferred to the Utah State Archives in 2007. For access to case files post-1955 researchers should contact the clerk of the Fifth District Court in Washington County.

ACCESS RESTRICTIONS: Probate proceedings are public records. However adoption records, which are filed throughout the probate case files, require the permission of the Fifth District Court until 100 years have passed.

PROCESSING NOTE: This series was archivally processed by Jim Kichas and Emily Gurr in December 2007 as part of a grant project designed to preserve the historic records of Utah's Fifth District Courts.

GAPS IN SERIES: Cases 5, 15, 16, 22, 23, 29, 60, 61, 72, 80, 142, 145, 148, 193, 202, 211, 223, 311, 314, 315, 343, 352, 470, 490, 501, 513, 523, 526, 534, 548, 555, 580, 606, 632, 873, 879, 890, and 1061 are missing.

PREFERRED CITATION: Cite the Utah State Archives and Records Service, the creating agency name, the series title, and the series number.

CONTAINER LIST

Reel	Description	Dates
1	Case Files: Adams - Batty	1896-1907
2	Case Files: Beachem - Cooper	1896-1907
3	Case Files: Cooper - Graf	1896-1907
4	Case Files: Graf - Ide	1896-1907
5	Case Files: Isom - Lang	1896-1907
6	Case Files: Larson - Mecham	1896-1907
7	Case Files: Miller - Parker	1896-1907
8	Case Files: Parkinson - Pulsipher	1896-1907
9	Case Files: Pulsipher - Ross	1896-1907
10	Case Files: Sager - Snow	1896-1907
11	Case Files: Snow - Sullivan	1896-1907
12	Case Files: Bishop - Wooley	1896-1907
13	Case Files: Wooley - Case 12	1896-1907
14	Case Files: 13 - 30	1907-1908
15	Case Files: 31 - 50	1908-1909
16	Case Files: 51 - 85	1909-1912
17	Case Files: 86 - 105	1913-1914
18	Case Files: 106 - 125	1914-1916
19	Case Files: 126 -	1916-1918

Reel	Description	Dates
	152	
20	Case Files: 153 - 1921	
	192	
21	Case Files: 191 - 1921-1922	
	208	
22	Case Files: 209 - 1922-1924	
	243	
23	Case Files: 244 - 1924-1926	
	268	
24	Case Files: 269 - 1926-1928	
	297	
25	Case Files: 298 - 1928-1930	
	323	
26	Case Files: 324 - 1930-1931	
	331	
27	Case Files: 332 - 1931-1933	
	368	
28	Case Files: 369 - 1933-1935	
	406	
29	Case Files: 407 - 1935-1936	
	430	
30	Case Files: 431 - 1936-1937	
	456	
31	Case Files: 457 - 1937	
	485	
32	Case Files: 486 - 1937-1939	
	514	
33	Case Files: 515 - 1939-1940	
	541	
34	Case Files: 542 - 1940-1941	
	581	
35	Case Files: 582 - 1941-1942	
	609	
36	Case Files: 610 - 1942-1943	
	644	
37	Case Files: 645 - 1943-1945	
	671	
38	Case Files: 672 - 1945-1946	
	705	
39	Case Files: 706 - 1946-1947	
	737	
40	Case Files: 738 - 1947-1948	
	778	
41	Case Files: 779 - 1948-1949	
	826	
42	Case Files: 827 - 1949	
	847	
43	Case Files: 848 - 1949-1950	

Reel	Description	Dates
	874	
44	Case Files: 875 - 1950	
	899	
45	Case Files: 900 - 1950-1951	
	928	
46	Case Files: 929 - 1951-1952	
	955	
47	Case Files: 956 - 1952-1953	
	977	
48	Case Files: 978 - 1953-1954	
	1016	
49	Case Files: 1017 1954-1955	
	- 1046	
50	Case Files: 1047 1955	
	- 1079	
51	Case Files:	1955
	1080-1092	
52	Case Files: 1092	1955